

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH SHEROD CANNON,

Plaintiff,

-against-

NEW YORK STATE DEPARTMENT OF  
CORRECTIONS AND COMMUNITY  
SUPERVISION, et al.,

Defendants.

23-CV-00837 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff was at Great Meadow Correctional Facility, in the custody of the New York State Department of Corrections and Community Supervision (DOCCS) when he filed this action. By order dated April 10, 2023, the Court issued an order addressing whether Plaintiff was barred, under 28 U.S.C. § 1915(g), from bringing this matter *in forma pauperis* (IFP) as a prisoner. The Court concluded that he was not and indicated that, by separate order, it would grant his request to proceed IFP.

On April 25, 2023, that order was returned to the court as undeliverable, and a review of public records reflects that Plaintiff has been released from DOCCS custody. Plaintiff has not notified the Court of a new address where he can receive mail, or consented to electronic service of documents. He also has not made any further written submissions to the Court.

It is Plaintiff's obligation to provide an address for service, and this action cannot proceed if the Court and the defendants are unable to serve him with documents. The Court therefore directs Plaintiff, within 30 days of the date of this order, to notify the Court in writing of his current address. Plaintiff has the option of consenting to receive electronic service of documents to an email address if he can receive documents by email. A form for Plaintiff to complete and

return to the Court within 30 days if he wishes to consent to electronic service of documents by email is attached to this order.

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss Plaintiff's complaint under Rule 41(b) of the Federal Rules of Civil Procedure, without prejudice to his refiling it.

### CONCLUSION

Plaintiff is directed to notify the Court in writing, within 30 days (1) of his current mailing address; or (2) whether he consents to electronic service of documents, which requires him to complete the attached form and return it to the Court. Plaintiff's response must be submitted to the Pro Se Intake Unit of this Court, and his submission should be labeled with the docket number 23-CV-0837 (LTS).

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss Plaintiff's complaint without prejudice under Rule 41(b).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: May 9, 2023  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge